

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3694-01
Bill No.: HB 1298
Subject: Mental Health; Medical Procedures and Personnel; Mental Health Dept.
Type: Original
Date: March 15, 2010

Bill Summary: Prohibits the transfer of a mental health patient from one facility to another without the consent of the patient or the patient's parent, legal guardian, or nearest known relative.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Unknown greater than \$83,333)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown greater than \$83,333)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health (DMH)** state under current law the DMH may transfer clients from one mental health facility to another when it is determined to be consistent with the clients' needs. This proposal prevents the transfer of a mental health consumer from one mental health program to another without the consumer's or guardian's consent.

The Division of Developmental Disabilities currently requires consent prior to moving a consumer from one facility to another. The Division of Comprehensive Psychiatric Services, however, makes consumer transfers on a daily basis within the DMH. For example, aggressive clients may be transferred to Maximum or Intermediate Security following the current hearing or review process. Likewise, clients in need of lesser security routinely move down the security continuum. This proposal would seem to prevent that absent written consent.

This would put the DMH in an untenable position, particularly in the case of an assaultive client who needs transfer to a higher level of security for safety reasons. Also, it is inconsistent with good management of limited inpatient resources.

This proposal would likely have a fiscal impact based on inefficient allocation of resources relative to client movement and extraordinary supervision, the amount is unknown but greater than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Costs - DMH</u>			
Increase in inpatient service costs	<u>(Unknown greater than \$83,333)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown greater than \$83,333)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>

FISCAL IMPACT - Local Government

FY 2011
(10 Mo.)

FY 2012

FY 2013

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

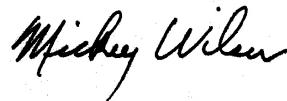
FISCAL DESCRIPTION

This proposal prohibits a patient from being transferred from one mental health program to another without the written consent of the patient or the patient's parent, legal guardian, or nearest known relative.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Mental Health



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Director
March 25, 2010